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ORIGINAL: ENGLISH

COMMITTEE ON CRIME PREVENTION
AND CONTROL
Eleventh session
Vienna, 5-16 February 1990

Agenda item 8

ADOPTION OF THE REPORT OF THE COMMITTEE

DRAFT REPORT

Rapporteur: Roger S. Clark (New Zealand)

CHAPTER ____ . ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Committee on Crime Prevention and Control held its eleventh session at Vienna from 5 to 16 February 1990. The session was opened by the acting Chairman, Mr. Minoru Shikita (Japan).

B. Membership and attendance

2. The following Committee members attended the session: Cheng Weiwei (China), Roger S. Clark (New Zealand), Dusan Cotic (Yugoslavia), Ramón de la Cruz Ochoa (Cuba), Trevor Percival Frank De Silva (Sri Lanka), David Faulkner (United Kingdom of Great Britain and Northern Ireland), Eugène Jules Henri Frencken (Belgium), Ronald L. Gainer (United States of America), Vasily P. Ignatov (Union of Soviet Socialist Republics), Nour El-Deen Khair (Jordan), Albert Llewelyn Olawole Metzger (Sierra Leone), Benjamin Miguel (Bolivia), Jorge Arturo Montero Castro (Costa Rica), Farouk A. Murad (Saudi Arabia), Abdul Karim Nasution (Indonesia), Salah Nour (Algeria), Bertin Pandi (Central African Republic), Gioacchino Polimeni (Italy), Victor Ramanitra (Madagascar), Simone Andrée Rozès (France), Miguel A. Sanchez Méndez (Colombia), Abdel Aziz Abdallad Shiddo (Sudan), Minoru Shikita (Japan) and Adolfo Luis Tamini (Argentina).

3. The following Committee members were unable to attend the session: Hedi Fessi (Tunisia), Jacek Kubiak (Poland) and Hama Mämodou (Niger).

4. The session was also attended by observers from the following States: Angola, Argentina, Australia, Austria, Belgium, Brunei Darussalam, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chad, Chile, China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mauritius, Morocco, Netherlands, New Zealand, Oman, Philippines, Poland, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, Spain, Sweden, Switzerland, Thailand, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela.

5. Representatives of the following units of the United Nations Secretariat attended the session as observers: Office of Legal Affairs, Department of Public Information, Division of Narcotic Drugs, Economic and Social Commission for Western Asia, Centre for Human Rights and Sub-Committee on the Prevention of Discrimination and Protection of Minorities.

6. Two specialized agencies were represented by observers: United Nations Educational, Scientific and Cultural Organization and World Health Organization.

7. The following United Nations bodies and affiliated institutes were represented by observers: International Narcotics Control Board, United Nations Fund for Drug Abuse Control, Office of the United Nations High Commissioner for Refugees, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Interregional Crime and Justice Research Institute, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations and United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders and Australian Institute of Criminology.

8. The following intergovernmental organizations were represented by observers: the Arab Security Studies and Training Centre, the Council of Arab Ministers of Interior, the Council of Arab Ministers of Justice, the Council of Europe, the International Criminal Police Organization (INTERPOL), the League of Arab States and the Scandinavian Research Council for Criminology.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Category I: International Council of Women, Muslim World League, Soroptimist International and World Assembly of Youth.

Category II: Airport Associations Co-ordinating Council, All India Women's Conference, Amnesty International, Arab Lawyers Union, Bahá'í International Community, Caritas Internationalis (International Confederation of Catholic Charities), Disabled Peoples' International, Four Directions Council, Friends World Committee for Consultation, Howard League for Penal Reform, International Association of Judges, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Committee of the Red Cross, International Commission of Jurists, International Council for Adult Education, International Federation of Human Rights, International Federation of Human Rights (Italian League), International Federation of Senior Police Officers, International Federation of University Women, International Institute of Humanitarian Law, International Society for Criminology, Medical Women's International Association, Pax Romana, World Federation for Mental Health and World Society of Victimology.

Roster: Defence for Children International Movement, International Sociological Association and National Association of Victims Support Schemes.

Other non-governmental organizations represented by observers were as follows:

American Correctional Association, Centro Italiano di Solidarietà, Foundation for Responsible Computing, Foundation for the Development of International Probation and Parole Practice, Istituto Superior de Relaciones Internacionales (Cuba), International Union of Socialist Youth and Office of International Criminal Justice of the University of Illinois at Chicago.

C. Election of officers

10. At its 1st meeting, on 5 February 1990, the Committee elected by acclamation the following officers:

<u>Chairman:</u>	Dusan Cotic (Yugoslavia)
<u>Vice-Chairmen:</u>	Farouk A. Murad (Saudi Arabia) Albert L.O. Metzger (Sierra Leone) Miguel A. Sánchez Méndez (Colombia)
<u>Rapporteur:</u>	Roger S. Clark (New Zealand)

11. At its 10th meeting, on 9 February 1990, the Committee agreed to establish two informal working groups under the chairmanship of Albert L.O. Metzger (Sierra Leone) and Farouk A. Murad (Saudi Arabia).

D. Agenda and documentation

12. At its 1st meeting, the Committee adopted the agenda for its eleventh session as contained in document E/AC.57/1990/1 and approved the organization of its work contained in document E/AC.57/1990/L.1/Rev.1. The documents before the Committee at its eleventh session are listed in annex II to the present report.

CHAPTER _____. ADOPTION OF THE REPORT OF THE COMMITTEE

13. At its _____ meeting, on _____ February 1990, the Committee adopted the draft report of its eleventh session (E/AC.57/1990/L.3 and Add.1-).

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Rapporteur: Roger S. Clark (New Zealand)

CHAPTER __. OPENING STATEMENTS

1. The Committee on Crime Prevention and Control held its eleventh session at Vienna from 5 to 16 February 1990. The session was opened by Minoru Shikita (Japan), the Chairman of its tenth session, who made a statement in which he stressed the paramount importance of the present session of the Committee in view of the forthcoming Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
2. Mr. Shikita then reported to the Committee on the intersessional activities and expressed the hope that that would become the standing practice of every outgoing Committee chairman. In his report, particular mention was made of the donation by the Asia Crime Prevention Foundation of a computer set to the Crime Prevention and Criminal Justice Branch to improve its work in the computerization of criminal justice information.
3. He lamented the persistence of extremely limited resources allocated to the United Nations crime prevention and criminal justice programme vis-à-vis an almost geometric expansion of important mandates deriving from the extensive world-wide needs in the crime field. In particular, Mr. Shikita pointed out that other new programmes thrived, while the crime prevention and criminal justice programme limped behind despite its declared priority, as clearly stated by Member States on many occasions.

4. Mr. Shikita congratulated the Secretariat on the amount and quality of the work done in developing so many far-reaching new instruments in such a short time, and in obtaining the consensus of the international community on them.

5. The Chairman of the eleventh session, Mr. Dusan Cotic (Yugoslavia), elected by acclamation, stated in his opening address that the tasks ahead of the Committee were twofold: programmatic and technical. The programmatic aspects of the work required action on the report of the Sub-Committee of the Committee on Crime Prevention and Control on the review of the programme of work of the United Nations in crime prevention and criminal justice, and the issues related to the preparations for the Eighth Congress.

6. The technical aspects were those that implied legal drafting. A large number of draft instruments needed to be finalized by the Committee in its function as the preparatory body for the quinquennial congresses, so that they could be submitted to the Eighth Congress as recommendations of the Committee.

7. The Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth Congress, in her opening statement, stressed that, notwithstanding the encouraging new international political climate, the world was still beset by violence, social conflicts and various forms of serious crime. She stated that the law, especially criminal law, was a basis for peace and social justice in the contemporary complex world.

8. The Director-General was particularly concerned about the serious escalation of crime and drug problems, exacerbated by the sophisticated managerial methods and technological means employed. She expressed the view that there was a manifest need for proscriptions, prescriptions and standards to deal with transboundary crime, such as terrorism and other forms of violence, economic and organized crime and environmental offences. At the same time, there was mounting concern about abuses of power and violations of fundamental human rights, as well as the need for protection of victims.

9. She noted the enormous interest in the United Nations programme in crime prevention and criminal justice, in different parts of the world, and the genuine commitment of Member States for joint action against crime. She also noted that

the Pre-sessional Working Group, convened for the first time on 1 and 2 February 1990 and attended by several members of the Committee, had not only been able to analyse the mechanisms for the implementation of existing standards, but had also recommended a vigorous technical co-operation programme to assist Governments to translate the norms and guidelines into reality.

10. The Director-General expressed her appreciation for the efforts made by Committee members in developing collaborative initiatives with their countries and regions. She expressed also her gratitude to those Governments that had supported the United Nations programme in crime prevention and criminal justice through extrabudgetary financial aid, the secondment of highly qualified staff, the provision of expert services for certain projects and the hosting of key meetings. She thanked the non-governmental organizations for their invaluable contributions to the programme and to the preparations for the Eighth Congress.

11. In referring to the agenda item on the United Nations crime and justice programme review, the Director-General stated that the report of the Sub-Committee contained far-reaching recommendations that, if implemented, would affect the programme of work for many decades to come. She stressed the importance of anticipating events and mounting preventive strategies in good time in order to improve the odds in the fight against crime.

12. In that respect, she pointed out that the periodic United Nations world crime surveys were providing a valuable empirical base for informed decision-making but that their increased frequency would enhance their timeliness and relevance.

13. The Director-General reported that, despite the serious resource constraints, the United Nations crime programme had expanded in scope, in response to the internationalization of life and thereby the transnationalization of criminality and that it enhanced its relevance by not shirking the consideration of crucial, if sensitive, issues. However, though it had proven to be one of the most successful and strongest consensus-building areas in the Organization, it had not been given adequate resources to fulfil its increased mandates. She said that urgent steps had to be taken to give the programme the possibility of fulfilling its potential.

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7. The Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth Congress, in her opening statement, stressed that, notwithstanding the encouraging new international political climate, the world was still beset by violence, social conflicts and various forms of serious crime. She stated that the law, especially criminal law, was a basis for peace and social justice in the contemporary complex world. She emphasized the importance of the interrelationship of the crime prevention programme and drug control and social development programmes.

8. The Director-General was particularly concerned about the serious escalation of crime, exacerbated by the sophisticated managerial methods and technological means employed. She expressed the view that there was a manifest need for proscriptions, prescriptions and standards to deal with transboundary crime, such as terrorism and other forms of violence, economic and organized crime and environmental offences. At the same time, there was mounting concern about abuses of power and violations of fundamental human rights, as well as the need for protection of victims.

9. She noted the enormous interest in the United Nations programme in crime prevention and criminal justice, in different parts of the world, and the genuine commitment of Member States for joint action against crime. She also noted that

the Pre-sessional Working Group, convened for the first time on 1 and 2 February 1990 and attended by several members of the Committee, had not only been able to analyse the mechanisms for the implementation of existing standards, but had also recommended a vigorous technical co-operation programme to assist Governments to translate the norms and guidelines into reality.

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12. In that respect, she pointed out that the periodic United Nations world crime surveys were providing a valuable empirical base for informed decision-making. The newly established Crime and Justice Information Network was another ready source of information for policy makers and practitioners.

13. The Director-General reported that the United Nations crime programme enhanced its relevance by not shirking the consideration of crucial, if sensitive, issues. However, though it had proven to be one of the most successful programmes in terms of standard setting, it had not been given adequate resources to fulfil its increased mandates. She said that Governments would have to take the necessary decisions to finance an expanded programme to meet the challenges of the transnationalization of criminality.

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Rapporteur: Roger S. Clark (New Zealand)

CHAPTER ____ . PROGRAMMING AND OTHER MATTERS

1. The Committee considered item 3 of its agenda at its 1st, 2nd and ... meetings, on 5, 6 and ... February 1990. It had before it the following documents: (a) report of the Secretary-General on United Nations activities in crime prevention and control (E/AC.57/1990/2); (b) extracts from the programme budget for the biennium 1990-1991, as approved by the General Assembly (A/44/6/Rev.1), extracts from the report of the Committee on Programme and Co-ordination on its twenty-ninth session, and extracts from the draft medium-term plan for the period 1992-1997 (E/AC.57/1990/CRP.2); and (c) note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/AC.57/1990/7).

2. The Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, introduced the item. He underlined the impressive record of programme delivery, as summarized in the report of the Secretary-General. After delineating the various tasks covered by the three subprogrammes of the programme of work, and highlighting the most important results achieved, including the development of criminal justice data bases and the United Nations crime and justice information network. He stressed

the importance of technical co-operation activities, emphasizing the crucial role that the regional and interregional institutes had played in contributing to the successful implementation of the United Nations crime prevention and criminal justice programme. That role had increased in recent years, and its fulfilment was greatly facilitated by the annual Joint Meeting on Programme Co-ordination, generously hosted by the Arab Security Studies and Training Centre. However, more voluntary funds were needed to face the growing threat of crime. What had been accomplished, under particularly adverse resource conditions, evidenced the inverse relation between the number of tasks carried out by the Secretariat and the number of its personnel. In terms of cost/benefit considerations, the programme represented a very productive investment by the international community.

3. The participants welcomed the Secretary-General's report, noting with appreciation the number and diversity of tasks performed by the Crime Prevention and Criminal Justice Branch in spite of the inadequate level of its resources and the increasing burden posed by the demanding and multiple activities involved in the preparations for the Eighth Congress. Although the performance of the Branch was certainly outstanding, the financial constraints could not but limit the impact of the programme on efforts to fight national and transnational criminality, which was becoming steadily more sophisticated and widespread. Unfortunately, the repeated recommendations of the Committee, which had been endorsed by the Economic and Social Council and the General Assembly, calling for the allocation of resources to the Branch commensurate with the range and significance of its tasks, had gone largely unheeded in the financial organs. The current situation indicated that there should be some restructuring of United Nations activities, and that an innovative approach should be adopted.

4. In that connection, it was indicated that the United Nations budget for crime prevention and criminal justice activities was too small a fraction of the budget for global social issues, under which it was included. The Committee should therefore not merely take note of the report of the Secretary-General, but should add to it a clear expression of its profound concern about the difficult constraints under which the programme had to operate. The Committee should also explicitly indicate a set of precise recommendations in that respect in order to enable the Economic and Social Council to take appropriate action. It was also suggested that the report of the Committee, and all issues on crime prevention and criminal justice, should be considered as a separate item of the agenda of the Council.

5. The view was expressed that the gap between mandates and resources, as well as the disparity between needs and the possibilities for meeting them, might indicate that perhaps Governments had not emphasized their preoccupation with crime issues sufficiently clearly, though they had stated their wish to promote effective action against the various forms of crime. The United Nations could not be expected to perform the functions in crime prevention and criminal justice that the international community had assigned to it with the miniscule resources allocated to the programme. Clearly, the political will had to express itself more concretely so that the capacity of the United Nations could be reinforced. Governments had to realize that the ingenuity and resourcefulness of the Secretariat could not, in the long run, overcome the current handicaps. The difficulties faced by the programme were evident in the decrease of two percentage points in the resources allocated to it, a reduction that had occurred between the biennium 1988-1989 and the current biennium 1990-1991, as had been noted by the Committee on Programme and Co-ordination.

6. Although the problem of crime was complex, there was a sense that it was a danger and a threat. But more had to be known about it, its extent or how it was being addressed. No doubt there were serious problems, such as drugs, terrorism, international fraud, environmental offences, abuse of power and systematic use of repression. Without over-dramatizing the issue, which could lead to over-reacting to it, there was an obligation to take crime seriously.

7. There were four main areas on which the United Nations had focused its activities: the improvement of international co-operation by model instruments; the exchange of information, especially in the areas of victims and crime prevention; the promotion of technical co-operation; and the maintenance of standards of human rights and integrity. To cover them properly with the required high quality of work, was difficult without adequate resources and the necessary political will.

8. The world was witnessing dynamic changes that were affecting everything, including crime prevention. The police and judicial systems were being radically restructured in various countries, which had to face the task of upholding the rule of law. Rising crime rates demanded not only new approaches in crime prevention, but also a wider range of legislation and increased international co-operation for crime prevention and control. The exchange of information through the United Nations was essential to facilitate that task.

9. Many experts and observers pointed out that technical co-operation in crime prevention and criminal justice was of paramount importance for developing countries. The intensification of that co-operation was indispensable, since many countries were totally or largely unable to implement effective crime prevention policies and strategies due to an acute shortage of material and trained human resources. It was undeniable that some modest progress had been made. It was also undeniable, however, that the Secretariat was hampered in carrying out even a fraction of the needed technical co-operation projects. It was extremely frustrating to realize, on the one hand, how much could be accomplished if funds were available, and on the other, to observe how little could be done because of the limitations. Additional voluntary funds would obviously make an enormous difference, giving many countries the chance they so urgently needed.

10. Developing countries had to struggle against such handicaps as illiteracy, lack of skilled personnel, absence of training opportunities and levels of remuneration so low that they facilitated the appearance of widespread corruption. To that had to be added the inadequate rates of economic development, mainly caused by foreign indebtedness, which manifested themselves, inter alia, in high rates of unemployment, particularly among juveniles, prostitution and large numbers of street children, a group highly vulnerable to criminogenic influences. More recently, the danger of the acquired immunodeficiency syndrome (AIDS) and the victimization of entire countries by environmental crimes, such as the dumping of toxic wastes, were further worsening the situation.

11. It was felt that developed countries should recognize the desperate need for technical co-operation, and should contribute in a manner commensurate with the articulated needs, realizing that, by assisting developing countries in their struggle against crime, they would be, eventually, helping their own populations. Such phenomena as the production of drugs for the illegal market and offences such as money-laundering flourished in developing countries because they were hardly in a position to implement effective crime control policies, lacking the necessary resources.

12. In addition, assistance should be given taking into consideration the socio-economic context of each country. For example, some of the assistance provided for the control of illicit drug production had been given without taking into consideration other closely related needs, such as legal reform or police training, not to mention overall socio-economic development. That inadequate

emphasis on only one element of the total situation had led, as could have been expected, to quite limited and possibly only short-term successes.

13. The Committee should look at all possible structures of technical co-operation that could be better integrated internationally, recommending that Governments should allocate a fixed yearly amount specifically intended for technical co-operation projects and consultancies in crime prevention and criminal justice, to be implemented by the Secretariat in co-operation with the United Nations institutes.

14. In that connection, it was also asserted that the advisory services had so far provided considerable assistance to many countries. The Interregional Advisor had completed many missions and projects had been implemented as part of the advisory services, with the assistance of Member States. In addition, since international entities were becoming more and more aware of the importance of crime prevention and criminal justice, they might be more inclined to financially support some projects, although there was insufficient appreciation of the relevance and importance of crime prevention and control for the achievement of development goals. Due to the financial limitations under which the advisory services were currently functioning, their operation was clearly insufficient and could not meet the rapidly growing demand for them. The activities of the single Interregional Advisor had to be strengthened and there was an urgent need for those activities to be complemented by regional advisors.

15. It was pointed out that there appeared to exist a widespread taboo against using development funds for crime prevention and criminal justice projects. That attitude was probably due to an inability to recognize how deleterious crime could be for the development efforts of a country since, inevitably, criminality consumed scarce resources and damaged the morale of the citizenry. That attitude, moreover, was leading developing countries to face tremendous difficulties not only in guaranteeing law and order, but also in ensuring the proper protection of basic human rights. It was useless to talk about general principles of justice if judicial systems were under violent attack by national and transnational criminals. Unless that taboo were discarded, very little of significance was likely to be achieved.

16. With respect to the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, the Committee took note

of the progress made in its implementation. However the rate of response, particularly from developing countries, was unsatisfactory. Many responses, moreover, presented gaps and, in some cases, appeared inaccurate. Although the collaboration of the institutes had helped a great deal, the results fell painfully short of the ideal mark.

17. In that connection, several participants indicated that developing countries had particular difficulties in filling out the questionnaire, since it was far from easy for them to provide reliable information covering their total territory. In a number of cases, the information did not exist at all. And it appeared that the relevant information, particularly that of a statistical nature, could not be collected without some form of technical co-operation. Only through technical co-operation, therefore, could the ability of developing countries to respond in a satisfactory manner to the survey be improved.

18. The Committee felt that considerable reflection and work were needed to improve the survey. The questionnaire could perhaps be simplified and made easier to complete. Since the information requested was often scattered throughout different offices, the question was raised as to the manner of obtaining the necessary information. Diplomatic channels alone did not appear the most effective means for that purpose. Consequently, the assistance of the local office of the United Nations Development Programme (UNDP) and of national correspondents, as well as of the institutes, should be sought. Further, a simplified version could be circulated every year, since in that manner responding to it could become a routinized activity within the relevant offices.

19. Technical co-operation, particularly in the training of personnel, was a must. Funding alone, however, was no guarantee of success. The complexity of the task created difficulties even for developed countries with a long tradition in the collection of national statistics. Often, the problem lay in the identification of the source for certain types of information. Consequently, perfectionism should be avoided and the goal should be pragmatically defined as the widest possible exchange of information.

20. The activities of the institutes were praised extensively by the Committee members. The efforts of the institutes to co-ordinate their activities and their assistance to the Secretariat were indeed impressive. Moreover, their research and training activities had been expanded considerably. None the less, their relations

with the Branch should be reinforced and the Branch's overall supervision of their activities strengthened in order to ensure improved co-ordination.

21. The Committee welcomed the establishment of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and expressed the wish that the Institute would make important contributions to the struggle against crime in the region.

22. The Committee took note of the draft medium-term plan, contained in document E/AC.57/1990/CRP.2.

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Rapporteur: Roger S. Clark (New Zealand)

CHAPTER ____ . IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS
OF THE SEVENTH CONGRESS

1. For the consideration of agenda item 4, the Committee had before it a note on the United Nations network of government-appointed national correspondents in the field of crime prevention and control (E/AC.57/1990/4), the report of the Secretary-General on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/3), the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1990/CRP.1) prepared in co-operation with the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI), and a statement from the World Federation of Mental Health annexing the Initial report of a Task Force on Curriculum, Education and Training of the Society for Traumatic Stress Studies (E/AC.57/1990/NGO.3 and annex). The Committee also considered the report of the Pre-sessional Working Group on the Implementation of United Nations Standards and Norms in Crime Prevention and Criminal Justice (E/AC.57/1990/WG.2).

* E/AC.57/1990/1.

2. In introducing the agenda item, the Chief of the Crime Prevention and Criminal Justice Branch and Executive Secretary of the Eighth United Nations Congress noted that the implementation of the conclusions and recommendations of the Seventh Congress included action at the national level as well as implementation at the international level by the Secretariat, in co-operation with the United Nations institutes and other entities concerned. As outlined in the note for consideration by the Committee, the government-appointed national correspondents had very important functions to perform in that respect, since they were involved in the execution of the United Nations programme of work in the field of crime prevention and in the promotion of co-operation on questions of criminal policy, including the implementation of existing standards and norms.

3. That the United Nations guidelines had significant impact was evidenced, for instance, in the many references to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34 of 29 November 1985) in recent national pronouncements in connection with new legislation and other measures taken. The Declaration was a milestone in the improvement of the victim's situation. But, however significant the inroads that had been made, much remained to be done, especially in providing recourse and redress for victims of abuse of power and in curtailing serious victimization. Effective preventive steps were required, since the international community had a collective responsibility in that respect, which had to be effectively discharged. The recommendations of the preparatory meetings for the Eighth Congress, especially the draft resolution of the Western Asia Regional Preparatory Meeting, together with the proposals contained in the Secretary-General's report, provided a basis on which to proceed.

4. The Committee and other bodies had stressed the need to reinforce the implementation process, and the convening of the Pre-sessional Working Group was a measure taken in that direction. As stressed in its report, technical assistance and co-operation were an essential means of helping Governments to translate United Nations guidelines and norms into tangible reality: while the Interregional Adviser's services were in constant demand, and the institutes were trying to assist their regions, the means available were still largely insufficient to satisfy the pervasive needs. Since the introduction of changes in legislative provisions and practices, in accordance with the United Nations guidelines, did not necessarily involve large outlays, but was

often a matter of attitudinal change, the initiatives taken by many Committee members to introduce that change through the dissemination of the United Nations standards were to be commended. The humanization of criminal justice was a common goal, the achievement of which could be advanced by the wider implementation of the United Nations norms.

5. The Chairman of the Working Group on detention, of the United Nations Sub-Commission on Prevention of Discrimination and the Protection of Minorities, informed the Committee of the work of the Sub-Commission, stressing the importance of maintaining the closest co-operation possible between human rights and anti-crime bodies. The Sub-Commission was dealing with a range of issues, the most relevant being those related to the protection of the rights of detained persons, and the development of international standards in the criminal justice field was of great interest. Special attention was being given, by that Working Group, to the formulation of international standards on forced or involuntary disappearances, and to the protection of infants and adolescents.

6. The crucial role of the national correspondents, as well as the efforts of the Secretariat to expand the network, were acknowledged by many Committee members and observers. It was noted that the network of national correspondents could be utilized also in respect of the various questionnaires sent to Governments requesting information on the implementation of United Nations instruments or in connection with the surveys on crime trends. Governments could be asked to co-ordinate the contributions of the relevant offices and supervise the replies to be prepared by them, ensuring their completeness and timeliness. In order to perform those tasks, as well as others that had been entrusted to them, national correspondents were required to devote much of their time and effort on a purely voluntary basis. Even though many of them had demonstrated their commitment and willingness to assist the United Nations, the fact that they were not always accorded official status, or that they had to search for data scattered among different governmental offices, made it extremely difficult for them to discharge their tasks. However, it was pointed out that in those cases where only one national correspondent had been appointed, the multiplicity and diversity of the required functions could be beyond his or her expertise or capabilities. Such difficulties would cause a loss of interest and discouragement.

7. It was pointed out that the role of national correspondents and the requirements for their appointment should perhaps be made even clearer to Governments, with very specific guidelines. It was also suggested that the Secretariat should evaluate the work of national correspondents to determine whether they were interested in the United Nations programme and whether they were in a position to make useful contributions. In order to render the network of national correspondents more effective, it was suggested that the well established legal framework should be clearly defined, and that their role and functions should be delineated by Governments. It was also suggested that the Secretariat should consider ways of directing the request for the appointment of national correspondents to the appropriate government agencies or ministries, in order to avoid delays in appointments, and of alerting the national correspondents well in advance of any survey or questionnaire, providing them with a brief outline of such documents and describing their purposes and goals. National correspondents would then be in a position to notify the relevant government agencies or departments and request that they begin preparing the necessary replies. Such a method might improve the rate of responses to the questionnaires.

8. Many participants stressed that Governments should be urged to update the list of national correspondents and periodically review the appointments to ensure proper feedback. In that connection, they also emphasized that Governments should make every effort, in spite of potential budget restraints, to include national correspondents in their delegations to the Eighth Congress. It was deemed extremely important to convene a general meeting of national correspondents during the Eighth Congress to provide the opportunity for them to exchange views and experience and further strengthen the network. Unless Governments included national correspondents in their delegations, the financial burden of travel costs would not permit them to attend the Congress, and since they served as volunteers without remuneration, they could not defray the expenses.

9. The Committee took note that the Secretariat had requested the assistance of UNDP offices in various countries. Since those offices enjoyed direct access both to the United Nations and to the relevant government departments, they could not only provide liaison services between national correspondents and the Secretariat, but also help them to overcome postal difficulties by providing back-up for the network, thereby increasing the chances that the information and other material sent reached its destination in good time.

10. Finally, it was suggested that a list of national correspondents and their addresses should be published and distributed, and that exchanges of views between national correspondents should take place on a regular basis.

11. Members of the Committee welcomed the Secretary-General's report on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which provided a useful overview of recent developments, and suggested some areas for further action. Approval was also expressed for the Guide for Practitioners, prepared with the assistance of HEUNI and reviewed by a group of experts convened with the support of the United Kingdom Home Office. It was also felt that the interdisciplinary training curricula, developed by the Society for Traumatic Stress Studies and submitted by the World Federation of Mental Health, should help significantly to upgrade the still limited expertise in that area.

12. In the debate, many participants stressed the importance of ensuring that work on victims' rights and support continued, and that the Declaration was fully implemented. There were encouraging recent developments, especially in improving the position of crime victims who had tended to be a neglected party in criminal proceedings, such as the protection of witnesses against intimidation, without prejudice to the rights of offenders. In some countries special dispositions had been taken to aid victims, for instance by ensuring their right to privacy in sexual offences and in affording free treatment to those suffering mental ill-effects as a result of crime. Assistance to victims was being further increased. There were new collaborative initiatives, such as the establishment of a European Forum on Victim Services, which promoted the exchange of experiences, the development of new services, and other means of assistance to crime victims. Those initiatives could be further extended and replicated in other regions with appropriate technical assistance. There was also need for evaluation of the impact of victim support schemes and of the effectiveness of different kinds of treatment. Training of personnel was a key factor, but had to go together with the creation of appropriate facilities and procedures so that the trained staff could properly use their newly acquired skills. Provision had to be made for changing requirements, especially in the training of trainers, which required continuous, often in-service, education. The media and the public also had to be informed, and appropriate educational programmes instituted.

13. It was necessary, one participant stressed, to convey to the population an accurate picture of the extent of crime, especially street crime which, if inflated, could generate unrealistic fear, which in itself was a form of victimization. However, there was no doubt that there was a widespread feeling of public insecurity that had a valid basis. Victimization surveys could yield further light on the situation, and the relaxing of international tensions allowed Governments to focus on internal rather than external security.

14. Some participants emphasized the distinction between victims of conventional crime and other victims, but it was also noted that since the basic principles of access to justice, reparation, assistance and prevention were common in the treatment of all victims, though the source and modalities of aid might vary, the draft Guide for Practitioners had used an integrated approach, while highlighting special needs.

15. A number of participants mentioned the steps taken in their countries to improve the situation of victims. It was also noted that in some countries there was a large number of victims of abuse of power whose situation could not be ignored, even if it raised some delicate questions. It was therefore indispensable that suitable international means of helping them and of preventing further victimization should be devised, particularly where national channels were insufficient. Regional mechanisms had proven effective in some areas (for example, the European Court of Human Rights) for complaints against conditions of detention, but though other important precedents existed (e.g. Inter-American Commission on Human Rights and Inter-American Court of Human Rights), they were not utilized widely enough, and elsewhere they still had to be activated, for example in Africa and Asia. However, proper enforcement of judgements was necessary to foster accountability.

16. Attention was drawn by several participants to the victimization of large numbers of people and sometimes entire countries through ecological and industrial crime and accidents that cost or endangered lives and impaired the environment and national economies. Developing countries were being used as the dumping ground for toxic wastes, which was unacceptable. The establishment of an international criminal court or regional courts to deal, inter alia, with such offences should be considered. Preventive measures were needed in that sphere, as in others, before the damage was done.

17. Reparation to victims of crime and abuse of power was deemed to be not only of material but also of great social importance. In various countries, especially developed ones, provision for compensation of crime victims existed, though the specifics varied. The European Convention on Compensation to Victims of Violent Crimes provided guidelines in that regard, including cross-jurisdictional compensation, and other European conventions were in force, such as the one on civil and commercial matters, which had provision for the enforcement of foreign judgements in compensation cases. The right of those victimized outside their countries, including tourists, to compensation was furthered by inter-State co-operation in such matters.

18. There were both economic and technical aspects involved in connection with the indemnification of victims. Developing countries, suffering from serious financial constraints, felt that they were not in a position to provide victim compensation, other than restitution from offenders, which was not always feasible. However, it was acknowledged that steps had to be taken because of the need and suffering involved, and as a matter of simple justice. There were also technical aspects that had to be considered, including the avenues, both penal and civil, for obtaining compensation. The latter could mean a protracted litigation process that did not always see justice done. Some countries had adopted new laws in the matter, affording citizens the right to sue for alleged violations of basic rights, and otherwise sought to implement the Declaration on Basic Principles. Developing countries required technical assistance for the establishment of adequate compensation systems, and the developed countries could help them considerably in that regard. Victims of crime and abuse of power also needed relevant information on how to proceed in claiming compensation, since many of them did not know where to turn for redress.

19. Among the groups of victims should also be included the victims of the criminal justice system when it disregarded basic human rights or was unduly repressive. In that respect, some participants deplored the readiness of some countries to invoke capital punishment, and particularly its use against juveniles. Although there were provisions for compensation to victims of abuse of power in different countries, for example for wrongful detention, many victims of abuses received no redress. In addition, the concept of compensation should be expanded to refugees, displaced persons or victims of natural disasters, which people had the same needs as victims of such crimes as torture.

20. Both national and international action was required to correct the existing deficiencies with international modes of compensation where domestic means were non-existent or inadequate. There were some United Nations funds for special cases (e.g. United Nations Fund for Victims of Torture), but the concept should be expanded to other categories. In that connection the establishment of a proposed United Nations foundation, inter alia, to help victims of international crimes, could perhaps also help to provide seed money for the development of national mechanisms and services for assistance to victims. It was also important to ensure proper co-ordination with other relevant initiatives, such as that taken by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities in respect of compensation to victims for gross violations of human rights.

21. To alleviate the situation of victims of organized crime and other abuses, which could affect not only individual victims but entire societies, seizure of the offenders' assets was essential. However, the funds seized, deriving from the proceeds of illicit drug trafficking, should be shared between the countries concerned. In addition, restitution was hampered by banking secrecy laws, which had to be amended.

22. It was also necessary to consider ways of handling heads of State who perpetrated crimes against their own people. There was further need to work out ways of compensating the victims of State terrorism.

23. It was urged that mediation and conciliation procedures, utilized in some countries, should be more widely promoted, and that the United Nations should collate, develop and disseminate them, preparing a catalogue and guidelines on the subject and promoting relevant training. Conflict-resolution techniques could fruitfully be employed not only between individual victims and offenders, but also for the reduction of social tensions likely to escalate into violence and to claim numerous victims.

24. Several members of the Committee accepted that more should be done to curtail and prevent serious victimization, and that urgent steps had to be taken in cases of large-scale abuses to reduce the human toll. Governments, intergovernmental and non-governmental organizations could well pool their efforts towards that end. It was felt that the proposals made in the Secretary-General's report, particularly in its concluding section, which outlined the possible modalities of action, provided a viable basis on which

to proceed, including the elements of a resolution for adoption by the Eighth Congress. By looking at issues from the standpoint of victims, rather than assigning blame, much controversy could be avoided and productive approaches facilitated. It was time for the international community to tangibly demonstrate its solidarity with those who might have no other means of support, and the Eighth Congress should take appropriate action. Ancillary non-governmental organizations' meetings on victims' issues, to be held during the Congress, should also contribute to further progress in protecting them. Perhaps a convention on victims' rights and compensation should be developed, to include provisions for international co-operation in that sphere, drawing on the existing regional conventions.

25. The Chairman of the Pre-sessional Working Group introduced its report and the draft resolution (E/AC.57/1990/WG.2), which had been adopted unanimously. He noted that, due to the limited time available, the Working Group had not attempted to draw up specific proposals for the detailed administration, timetable and costs of an implementation programme based on its proposals, still less to identify sources of extra funding if existing sources were found to be inadequate. It had, however, suggested a practical approach to the Committee that could readily be translated into a detailed programme at a later stage, for appropriate consideration by the Economic and Social Council.

26. The results of the Working Group, as summarized in its report, were welcomed by the Committee. Some members of the Committee expressed their full support for the draft resolution as it stood. Others, while supporting it in general, made specific proposals for changes.

27. The suggestions made were commended, in particular because of the stress they placed on the programmatic and operational approach to implementation. In that respect, it was pointed out that the Committee could not continue to elaborate lofty standards without making them operational. At the national level, laws not enforced led to a loss of moral authority and a loss of confidence. If that happened at the international level, the moral authority of the United Nations would be lost and people would come to see it merely as a paper factory.

28. It was also pointed out that current legislation in many countries had been based on the United Nations standards. It was hoped that such legislation would not remain mere good intentions, for lack of

implementational support and assistance. But implementation of United Nations standards implied also acceptance by Governments. Perhaps they should consolidate existing standards in the form of an international convention, by which States could make a solemn commitment towards their application.

29. For all those countries witnessing dramatic changes towards a democratic society, there was a need for support and assistance to find the balance between human rights and crime control. Effective implementation of the United Nations standards could help in ensuring such a difficult balance.